

**FILED**

APR - 4 2007

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )

v. )

EPIFANIO ALCARAZ-ALCARAZ;  
also known as, "CHINO" and  
"MANUEL RAYOS"

CR.NO. 2:07-cr-30-WHA

[21 USC § 841(a)(1);

18 USC § 911;

8 USC § 1326(b)(2);

18 USC § 1028A]

**INDICTMENT**

(Superseding)

The Grand Jury charges:

**COUNT 1**

On or about the 25<sup>th</sup> day of January, 2007, in Montgomery County, within the Middle District  
of Alabama, the defendant,

EPIFANIO ALCARAZ-ALCARAZ;  
also known as, "CHINO" and  
"MANUEL RAYOS"

did knowingly and intentionally possess with intent to distribute 5 kilograms or more of a mixture  
and substance containing a detectable amount of cocaine hydrochloride, more commonly referred  
to as "cocaine powder," a Schedule II Controlled Substance, in violation of Title 21, United States  
Code, Section 841(a)(1).

COUNT 2

On or about the 25<sup>th</sup> day of January, 2007, in Montgomery County, Alabama, in the Middle District of Alabama, the defendant,

EPIFANIO ALCARAZ-ALCARAZ;  
also known as, "CHINO" and  
"MANUEL RAYOS"

did falsely and willfully represent himself to be a citizen of the United States, in violation of Title 18, United States Code, Section 911.

COUNT 3

On or about the 25<sup>th</sup> day of January, 2007, in Montgomery County, Alabama, within the Middle District of Alabama, the defendant,

EPIFANIO ALCARAZ-ALCARAZ;  
also known as, "CHINO" and  
"MANUEL RAYOS,"

an alien who had previously been deported from the United States subsequent to convictions for a felonies, to wit: on or about the 18<sup>th</sup> day of May, 1990, Burglary of a Vehicle, Third Degree, in the 147<sup>th</sup> Judicial District Court of Travis County, Texas, case number 102,448; on or about the 4<sup>th</sup> day of August, 1992, Burglary of a Motor Vehicle, in the 85<sup>th</sup> Judicial District Court of Brazos County, Texas, case number 21,176-85; on or about the 24<sup>th</sup> day of March, 1996, Possession of less than one Gram of a Controlled Substance Namely: Cocaine, in the 147<sup>th</sup> Judicial District Court of Travis County, Texas, case number 0960703; and, on or about the 4<sup>th</sup> day of February, 1999, Unauthorized use of a Motor Vehicle, in the 147<sup>th</sup> Judicial District Court of Travis County, Texas, case number 0986077; knowingly and unlawfully entered and was found in the United States in Montgomery County, Alabama on January 25, 2007, the said defendant having not obtained the consent of the

Attorney General or the Secretary for Homeland Security of the United States, in violation of Title 8, United States Code, Section 1326(b)(2).

COUNT 4

On or about the 25<sup>th</sup> day of January, 2007, in Montgomery County, within the Middle District of Alabama, the defendant,

EPIFANIO ALCARAZ-ALCARAZ;  
also known as, "CHINO" and  
"MANUEL RAYOS,"

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit: the driver's license, social security number and date of birth of Manual Casillas Rayos, Jr., during and in relation to the felony of falsely impersonating a citizen of the United States as charged in Count 2, in violation of Title 18, United States Code, Section 1028A.

FORFEITURE ALLEGATION

A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation as alleged in Count 1 of this indictment, the defendant,

EPIFANIO ALCARAZ-ALCARAZ;  
also known as "CHINO" and  
"MANUEL RAYOS"

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendant obtained, directly or indirectly, as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count 1, including, but

not limited to, the following:

One 2002 GMC Yukon, VIN: 1GKEK63U02J340834, bearing Ohio license plate DVP1352, seized January 24, 2007, from Epifanio Alcaraz-Alcaraz.

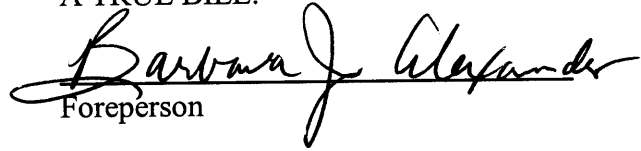
C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or,

(5) has been commingled with other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property.

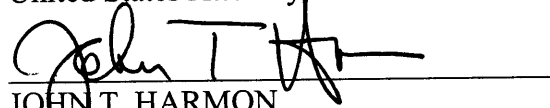
All in violation of Title 21, United States Code, Section 841.

A TRUE BILL:

  
Foreperson

  
LEURA G. CANARY

United States Attorney

  
JOHN T. HARMON

Assistant United States Attorney

  
A. CLARK MORRIS

Assistant United States Attorney